UN Climate Change Negotiations: Q&A

WHAT THE UNITED STATES IS DOING

What is the United States doing to achieve success in the Paris climate negotiation?

The U.S. is leading internationally and domestically. Internationally, we announced our ambitious post-2020 target at the end of March [technically, "INDC" or "Intended Nationally Determined Contribution"]; we pledged $3B to the new Green Climate Fund as part of a $10B initial capitalization late last year; President Obama and President Xi of China joined in an historic announcement of our respective post-2020 targets in November, providing a boost of momentum to the negotiations; and we are in full diplomatic swing working with countries around the world to get the Paris agreement done.

At home, the United States has taken historic steps to sharply reduce its emissions, including through the President's Climate Action Plan, putting us on track to meet our 2020 goal of reducing emissions in the range of 17 percent below 2005 levels in 2020. Since President Obama took office, we have more than tripled electricity generation from wind, increased solar energy generation by more than twenty fold, established the toughest fuel economy standards in U.S. history for cars and trucks, and proposed groundbreaking regulations to cut carbon pollution by 30% from U.S. power plants. We have also intensified our focus on bolstering domestic resilience to the impacts of climate change, including through release of the third U.S. National Climate Assessment.

Is the United States going to achieve its 2020 target of a 17% reduction?

With strong policy actions across all sectors, we are on track to achieve our target.

What is the United States target for the post-2020 period? Is it enough? Will it put us on a path to limit temperature increase to 2 degrees? What about 1.5 degrees?

The United States has set a target of reducing our greenhouse gas emissions to 26-28% below 2005 levels in 2025, and will make best efforts to reduce emissions by 28%. Our target roughly doubles the annual pace of our carbon emission reductions during the five years from 2020 to 2025 as compared to the period from 2005 to 2020. It also puts us on a pathway consistent with achieving deep reductions of 80 percent or more by 2050, the level commonly expected from advanced economies in order to hold expected warming to below 2 degrees Celsius.

Whom did the U.S. consult on its target and what is it based on?

The United States undertook an extensive, rigorous interagency process to identify and assess potential emission reductions that are both achievable and cost effective. This process

examined options to reduce emissions of all greenhouse gases in every economic sector through existing executive authorities and voluntary programs. Our agencies have had wide-ranging discussions with stakeholders from the public, private and non-profit sector, including formal and informal consultations with Congress.

Can the U.S. deliver on its target?

Yes. This target is grounded in assessments of the potential to reduce emissions under existing laws that have already been passed by Congress. The policies and regulations implemented under this Administration will continue to have substantial and growing benefits even in later years. For example, vehicle efficiency standards now cover model years up through 2025.

What happens if Congress or the courts block the power plant (or other) regulations the U.S. is relying on?

Although legal actions are common, EPA's regulatory actions have been repeatedly upheld by the courts and they have been able to deliver consistently robust results. For example, EPA regulations since 1980 have withstood repeated legal challenges to successfully drive down SO_2 emissions by more than 80%.

The rulemaking process is the way our executive branch implements the requirements placed on it by Congress through existing laws. The rules we issue are federally enforceable.

[IF ASKED] After a rule is finalized, Congress may, within 60 days, vote to overturn a rule under the Congressional Review Act (CRA). Any such action is subject to Presidential veto; veto can only be overridden with 2/3 majority vote in both houses of Congress. No EPA or DOE rules have ever been overturned with this procedure.

[NB: Overturning rules using the CRA is extremely rare. In the history of the Congressional Review Act, only one rule has ever been overturned on a CRA vote (the Clinton-era OSHA ergonomic standards).]

What happens if the next President decides to roll back the regulations Obama has put in place? Without the support of Congress, how can we have any confidence that the U.S. will deliver on its target?

Our 2025 target is grounded in assessments of the potential to reduce emissions under existing laws that have already been passed by Congress. Our regulatory actions are the means by which the Executive Branch carries out its role to implement laws passed by Congress. Regulatory actions taken under the authority of existing laws follow a careful process and are very difficult to undo. For example, under the Clean Air Act, the United States is obligated to reduce emissions of carbon pollution. Once a regulation like the Clean Power Plan is finalized, it can only be rescinded through another rulemaking process. Any new rulemaking process must

meet rigorous requirements, including providing notice via a proposal, taking public comment, and issuing a reasoned and reasonable decision that is responsive to the comments.

THE NEGOTIATIONS

Why is this year's meeting in Paris so important?

The Paris meeting presents an opportunity to take an historic step in combatting climate change. We have the chance to establish, for the first time, an ambitious, durable climate regime that applies to all countries, is fair to everyone, focuses both on reducing greenhouse gas emissions and building resilience against the impacts of climate change, includes strong accountability measures, and ensures ongoing financial and technical assistance to those in need. If we do this, it will send a powerful signal to the markets and civil society that nations have finally joined together to tackle climate change and that there is no going back.

What are the important issues heading into Paris?

There are at least five key issues:

First, ambition. We need a serious show of ambition in the lead up to Paris. Countries, especially the major economies, need to come forward with emission reductions targets that show we are making the cuts needed to keep us on the right track.

Second, accountability. We need to design an agreement that makes Parties accountable for their emission targets. Although the targets are nationally determined, they should be clear, at their core be unconditional, and be subject to certain basic agreed rules, as well as to regular reporting and review.

Third, adaptation. We need to respond to the call by many countries to elevate the issue of adaptation to climate change. That is, the agreement must not only effectively tackle the causes of climate change, but it must address its effects. The agreement should prioritize adaptation action.

Fourth, finance. We need to be pragmatic about the level and kinds of financial support for developing countries. Demands for massive sums and for "compensation" are simply not feasible, and we have made real progress with the establishment of the Green Climate Fund and in ensuring that developed countries meet their collective 2009 Copenhagen goal of mobilizing $100 billion by 2020 from both public and private sources.

Finally, differentiation. We need an agreement that both properly takes account of the different circumstances and capabilities of different countries but also works in the world of the 2020s and beyond. This means we cannot build the post-2020s regime on the basis of the antiquated divisions between countries created by the 1992 Convention ("Annex 1" or

developed countries, "Non-Annex 1" for developing), but instead must differentiate in a manner that captures and reflects the real world, i.e. the shifts in countries' emissions and economic trends that have occurred and will continue to occur.

Are countries submitting ambitious targets in a timely way? Are you concerned that "INDCs" aren't coming in strong enough or in a timely enough manner?

There is no question that ambitious and timely targets are an essential component to getting a successful agreement in Paris, and we are doing well on that score. The U.S., Europe and China account for more than half of global emissions, and all have announced strong targets. While China hasn't made its formal submission yet, the targets it announced in the joint U.S.-China announcement of our presidents in November were very solid. Mexico also put forward a very impressive target at the end of March, and a number of other countries [e.g., Norway, Switzerland, Russia, and Gabon] were "early movers." We expect to see a very substantial set of targets coming in as the year progresses.

What impact will the U.S.-China Joint Announcement have on the negotiations? Will a U.S.-China alliance assure the success of Paris?

While the U.S.-China Joint Announcement cannot ensure the success of Paris, it has clearly given momentum to the negotiations and set a precedent for what is possible in bridging differences. The Announcement sent a powerful signal that the world's two largest economies and carbon emitters are serious about addressing climate change, and willing to work through differences to reach agreement.

Does the U.S. support a legally binding agreement?

The mandate for the negotiations, adopted in Durban in 2011, makes clear that the Paris agreement is to have some kind of legal force. That said, it leaves the Parties with flexibility regarding the form of the agreement and the legal nature of its provisions.

The legal form of the agreement is under discussion now, though the negotiations are still more focused on the substance of the agreement than on the form.

Does the U.S. support legally binding *targets*? Wouldn't non-binding targets weaken the agreement?

We do not believe that the success of the agreement hinges on whether or not the targets will be legally binding. What matters is whether the agreement will promote environmental ambition, be designed to enable global participation, and ensure accountability with respect to implementation of the targets.

Will the Paris agreement put us on track to meet the two degree goal? If there is a mitigation "gap," what does the U.S. think we should do about it?

The 2˚C limit is our agreed goal, but we should not evaluate Paris on the basis of a single snapshot taken in December 2015. Holding global temperature increase to 2˚C is going to require the transformation of the global economy from a high-carbon to a low-carbon energy base. We can't fully accomplish that transformation in 2015, but we can make a critical start.

What we need to see from Paris with regard to two degrees is: (i) initial targets that are as ambitious as possible – especially by the largest-emitting countries; (ii) the progressive ramping up of ambition on regular cycles, preferably every 5 years; and (iii) endorsement of the imperative of long-term decarbonization.

Why does the U.S oppose the principle of common but differentiated responsibilities?

We don't. Differentiation is essential and the principle of "common but differentiated responsibilities and respective capabilities" can be fully addressed in a manner consistent with the interests of all and the objective of containing climate change. The principle is, for example, embodied in the "nationally determined" structure of mitigation targets, which we support, and which is a self-differentiated structure that protects everyone's real interests, including the imperatives of growth, development and the eradication of poverty.

What we do not accept is bifurcation based on rigid categories of countries that were established in 1992 and never change, no matter how much the material conditions of countries change. It makes no sense for the form and content of a new agreement for the 2020s and beyond to be set based on antiquated categories.

Don't the developed countries have a historic responsibility for causing climate change?

Of course we recognize our historic role in the production of greenhouse gas emissions, but you need to be careful here – the concept of "historic responsibility" is often invoked to suggest that responsibility for taking climate action rests almost entirely with the so-called "Annex 1" (developed) countries as defined in 1992. We don't find that logic either justified or conducive to solving the problem.

Industrialized countries certainly emitted early, in the context of creating the technology that modernized and is still modernizing the world. But history didn't stop in 1992, it is created every day. Consider: the world is now emitting almost as much every decade as all the cumulative emissions that occurred before 1970; developing countries now account for over 60% of current global emissions; and cumulative emissions from developing countries will surpass those of developed countries by 2020. Moreover, while emissions before the late 20th century were produced without either knowledge about global warming or effective

alternatives to fossil fuels, those facts have now changed dramatically – we now know the consequences and more and more have alternatives to fossil fuels.

The message is simple – we have an unmistakable responsibility to act and we are acting, but all countries share a common responsibility to combat climate change and we all need to pull together.

Are the developed countries on track to meet your 2009 pledge in Copenhagen of $100B by 2020? Where are you now? Why can't you show a year-by-year pathway?

We are well on our way to collectively mobilizing $100 billion per year by 2020, the goal we set in Copenhagen in 2009, in the context of meaningful mitigation and transparency by developing countries. According to various third-party estimates, as well as the finance body of the UN climate convention itself, annual public flows from developed to developing countries are in the range of $35-40 billion. And this doesn't include the private finance mobilized by these flows, which also counts toward the $100 billion goal. So we're making good progress toward our collective $100 billion goal. We have already said we would provide clear information on our progress toward the goal, but are not prepared to add new year-by-year goals; that wasn't part of the pledge we made in 2009, and we are not prepared to change that now.

Why is a collective multi-year pledge of $10B to the Green Climate Fund such a big deal? It's just a small part of your $100B/year pledge. You're not even 1/10th of the way there, are you?

This question is based on a common confusion, so let me try to straighten it out. The Green Climate Fund (GCF) is a new institution that we hope will become the preeminent channel for climate finance. But even if it does, it will still be only one channel, and right now it is brand new and has just gone through its initial capitalization of $10B – a great start.

By contrast, the $100B pledge is based on the mobilization of climate finance from all sources, public and private, and includes all channels, including the World Bank and other regional development banks; national development banks such as our OPIC; export credit agencies; bilateral assistance; and private sector investment triggered in some fashion by public funds or policy. There was never a pledge for a "$100B Green Climate Fund."

In terms of where we stand on the $100B, authoritative third-party estimates, including from the World Bank, put annual *public* flows from developed to developing countries in the range of $35 billion. And this doesn't include the private finance mobilized by these flows, which also counts toward the $100 billion goal.

What is the U.S. itself doing to provide financial assistance to poor countries?

The United States is using every available lever to mobilize climate finance for developing

countries. Between FY2010-14, U.S. public climate finance amounted to $12.8 billion, with assistance for adaptation increasing eightfold since 2009. In FY2014 alone, the United States provided nearly $2.7 billion dollars in public finance, and increased the share of adaptation finance as a percentage of our overall public finance. These numbers do not include the private finance mobilized by this money. Last year we:

- Pledged $3 billion to the Green Climate Fund – half of which will be for adaptation (on a grant-equivalent basis), and a further half for least developed countries (LDCs), small island developing states, and African states;

- Mandated U.S. federal agencies to mainstream climate resilience into all international development assistance;

- Launched a National Adaptation Planning (NAP) Global Network to galvanize bilateral assistance to support national adaptation planning processes in vulnerable countries; and

- President Obama announced a new public-private partnership that provides climate science, data, tools, and training to developing countries to help them prepare for the impacts of climate change. Examples:

    - We've released free, online, high-resolution topographical data for Africa, providing a resolution down to 30 meters of the Earth's surface. This will allow countries to better track coming changes like sea-level rise and water shortages.

    - We've released elevation data for Asia, which can help countries in that region better predict things like wheat harvests and be prepared to buy food for its people in advance if needed.

- In addition, as the largest humanitarian donor in the world, the United States will continue to respond with humanitarian aid to those in need.

If climate change is as big a problem as you say it is, why won't the U.S. support a plan to lower the intellectual property barriers that make it impossible for developing countries to get the clean technology they need for low-carbon development?

We have never seen intellectual property protection as a barrier to the transfer of low-carbon technology. Just the opposite. Intellectual Property Rights (IPR) provides critical incentives for innovation that will drive the development of climate change mitigation and adaptation technologies, promote R&D and economic growth, create jobs, and incentivize the commercialization of critical green goods and services, including in developing and least-developed countries. Without IPR protection, many of the technologies on which we rely today would not have been developed. And we need tomorrow's technologies to adequately address

the climate-related challenges that we are facing and will face. Without IPR, we will not have them. It is that simple.

How is the U.S. working to ensure that vulnerable countries aren't devastated by climate change?

The U.S. has increased its adaptation assistance to vulnerable countries eight-fold since 2009. Some 80% or our bilateral support has gone to the poorest and most vulnerable countries – least developed countries (LDCs), small islands developing states, and African states. We are helping these countries reduce climate risks in key areas, including infrastructure, agriculture, and health and water services. We do this in part by helping develop capacity to use the best science and analysis for decision making, and promoting the good governance necessary to carry out these decisions.

As part of this effort, the United States is investing in the Famine Early Warning Systems Network to identify potential threats to food security, and provide monthly food security updates, regular food security outlooks and alerts, and response planning efforts.

In addition, in September 2014, President Obama announced a new public-private partnership that provides climate science, data, tools, and training to developing countries to help them prepare for the impacts of climate change. The United States also created the National Adaptation Plan (NAP) Global Network last year to galvanize support to help vulnerable countries develop and implement their NAP processes.

Why does the U.S. oppose creating a fund to compensate poor countries for the loss and damage they suffer from the climate change that industrialized countries cause?

The U.S. has worked hard on loss and damage over the last year and a half, including supporting the establishment of the "Warsaw International Mechanism for Loss and Damage," or "WIM," at the Warsaw COP. We also supported an ambitious work plan for the Executive Committee of the WIM at the Lima COP last December. This year, we are working intensively with partners from the islands and other vulnerable countries to find a cooperative, effective approach for Paris. And, of course, the United States is the largest humanitarian donor in the world, and will be there when disaster strikes, no matter the cause.

We are also committed to helping vulnerable countries develop in a climate resilient way so that they can avert and reduce loss and damage in the first place, and the United States, under President Obama's guidance, has established itself as a leader in this regard.

IF PRESSED: We do not support a "compensation" fund because we don't think it appropriate or feasible to suggest that unknown, unlimited liability should be imposed on certain countries.

POOR COUNTRIES AND CLIMATE CHANGE

Why should poor countries put so much emphasis on climate change when their first priority should be to develop, grow, provide energy for their people, and eradicate poverty?

The reality is that poor countries cannot grow and develop in a sustainable manner unless they adopt a low-carbon and resilient approach. Climate change simply poses too great a threat, whether to food production, water supply, or exposure to extreme weather events. And the poor are unfortunately most at risk from these and other climate impacts.

But it is also true that addressing climate change can be done in an affordable manner. First, the new agreement under discussion would be fully differentiated, calling on countries to make their own decisions about steps to take in a manner that fits their own national circumstances and level of development. Second, the amount of support for countries in their efforts to adapt and develop along a cleaner path is rising with the new Green Climate Fund, support programs for Low Emission Development Strategies (LEDS), such as the U.S. Enhancing Capacity for LEDS program and LEDS Global Partnership, and other support channels. Third, the costs for cleaner energy are dropping dramatically, making a non-fossil fuel path much more viable.

How can you oppose the use of coal by poor countries when it is the only affordable way for them to grow, develop, provide access to energy and eradicate poverty?

U.S. policy is that public resources should not be used to finance commercially competitive technology in middle-income countries that are capable of attracting private sector investment. Such coal plants would "lock in" high carbon emissions for many decades to come, and make it harder to take on the already challenging issue of reducing carbon pollution. An exception is made for the poorest countries.

Of course coal plants can be part of a country's energy mix; what we're saying is that we shouldn't subsidize the building of such plants with U.S. government funds. Our policy does not limit private sector financing of coal plants. But scarce donor country financing for energy development should support clean energy solutions.

CONGRESS

Is the U.S. trying to avoid Senate approval on a potential Paris agreement?

No. The Administration has made clear that any international agreement brought into force for the United States will be done so consistent with the constitutional requirements. The Administration will also continue to consult with the Congress regarding the negotiations.

Will the agreement the U.S. is pushing for require Senate approval?

Negotiations are ongoing. At this stage, we cannot say whether the Paris conference will result in an agreement that requires Senate approval. The appropriate domestic form of the Paris outcome will depend upon several factors, including its specific provisions.

Does the Republican Congress undermine your ability to get an effective agreement?

The Administration is focused on bringing home an agreement that is in the best interests of the United States. In sum, we are seeking an agreement that is ambitious in light of the climate challenge; that reflects nationally determined mitigation efforts in line with national circumstances and capabilities; that provides for accountability with respect to such efforts; that takes account of evolving emissions and economic trends; and that promotes adaptation by parties to climate impacts.